

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3142 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

TAGOR NAGAR CO OP HOUSING SOCIETY LTD

Versus

CHAMPAKLAL M SHAH

Appearance:

MR SUNIL K SHAH for Petitioner
MR MC BHATT for Respondent No. 1
None present for other Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 27/06/2000

ORAL JUDGEMENT

1. Heard the learned counsel for the parties.
2. The learned counsel for respondent no.1 made a

statement before the Court that for this very amount of Rs.23846/-, earlier, the Registrar of the Co-operative Societies of the Government of Gujarat made an enquiry under sec.86 of the Gujarat Co-operative Societies Act, 1961 and he has been exonerated therein. He further submits that once the petitioner has been exonerated for this very amount under sec.86 of the Act aforesaid, the Registrar under sect.93 has no jurisdiction to proceed against respondent no.1.

2. The learned counsel for the petitioner is unable to dispute this question of fact and rightly so. The learned tribunal has allowed the appeal of respondent no.1 only on this ground. Once the Registrar has exonerated the petitioner from the alleged illegalities committed in respect of the amount in dispute under sec.86 of the Act, 1961, for these irregularities and illegalities, the Registrar has no authority to proceed under sec.93 of the Act against the petitioner. Otherwise there will not be finality to the proceedings. The learned tribunal has not committed any error much less an error apparent on the face of the order and no interference calls for in the impugned order of the Tribunal by this Court. The Special Civil Application fails and the same is dismissed. Rule is discharged. Interim relief, if any granted, stands vacated. No order as to costs.

(S.K. Keshote, J.)
(kamlesh)